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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,310	03/25/2004	Shuichi Takamiya	018995-748	5634

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EXAMINER

GILLIAM, BARBARA LEE

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,310

Applicant(s)

TAKAMIYA, SHUICHI

Examiner

Barbara L. Gilliam

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☒ Claim(s) 6 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/24/04 & 6/25/04
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claims

2. Claims 1-12 are pending.
3. Claims 5-6, 8-10 and 11 further define the anionic or amphoteric surfactant without requiring the choice of surfactant.

Claim Objections

4. Claim 6 is objected to because of the following informalities: For clarification purposes the Examiner suggests amending claim 6 at lines 6-7, 10-11, 12-14 so that the following is present: "a single bond or the formula $-O-(CH_2CH_2O)_n-$, wherein n is independently an integer of from 1 to 100, and".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawauchi (EP 1 162 063 A2).

a. In EP 1 162 063 A2, a positive planographic printing plate comprising a support and a light-sensitive layer is taught wherein the light-sensitive layer includes a novolac resin having a xylenol monomer as a light-sensitive image-forming material and a material which absorbs and generates heat (abstract; [0039]-[0051]). The weight average molecular weight of the xylenol-containing novolac resin is preferably 500 to 10,000 ([0017]). Preferred xylenol isomers are 3,5-xylenol, 2,3-xylenol, 2,5-xylenol and 3,4-xylenol ([0016]). The positive planographic printing plate is subjected preferably to light sources having an emission wavelength in the near-infrared to infrared region ([0083]) and developed with a conventional aqueous alkaline solution which can include a surfactant such as an anionic, cationic, nonionic or amphoteric type ([0084]-[0087]). Kawauchi teaches a developing solution comprising an anionic or amphoteric surfactant with sufficient specificity.

7. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagasaka et al. (US 6,410,207 B1).

a. Nagasaka et al. teach a positive photosensitive compositing comprising a photothermal conversion material, preferably a light-absorbing dye, and a high molecular compound such as the preferred novolak resin prepared by polycondensing an aromatic hydrocarbon such as 2,5-xylenol with at least one aldehyde. The novolak resin has a weight average molecular weight from 1,000 to 15,000 (abstract; column 4, line 49 – column 20, lines 10-61). The positive photosensitive composition is coated on

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a support and imagewise exposed to a light source generating near-infrared radiation and developed with an alkali developer which can further comprise an anionic surfactant, an amphoteric surfactant or an organic solvent (column 25, lines 2-67). Nagasaka et al. teach a developing solution comprising an anionic or amphoteric surfactant with sufficient specificity.

8. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Urano et al. (JP 11-327163 A).

a. Urano tech a positive image forming method wherein an image forming material having a positive photosensitive composition layer is imagewise exposed to heat and developed with an alkali developer comprising an ampholytic surface active agent wherein the composition layer comprises a novolak resin and a light to heat converting material (abstract; [0014]-[0042]; [0062]; [0064]-[0069]). The novolak resin is made by reacting a phenol such as 2,5-xylenol with a formaldehyde and the weight average molecular weight is from 1,000 to 15,000 ([0044]-[0045]).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. In US 2002/0146635 A1 and 6,808,861 B1, Nagasaka et al. teach a positive photosensitive composition.

b. In US 2003/0108814 A1, Miyake et al. teach a lithographic printing plate precursor.

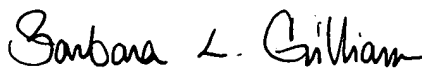
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c. US 2002/0058207 A1 and US 6,399,279 B1, also by Urano et al., are in the same patent family as JP 11-327163 A).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara L. Gilliam whose telephone number is 571-272-1330. The examiner can normally be reached on Monday through Thursday, 8:00 AM - 5:30 PM.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

b. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Barbara L. Gilliam
Primary Examiner
Art Unit 1752

bg
May 26, 2005